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FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA February 22, 2013
BY C. Guarnento ANALYST

9
10 BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 **KAREN LARSEN, P.T.A.**
14 355 Maureen Lane
15 Pleasant Hill, CA 94523

16 **Physical Therapist Assistant License No. AT
2253**

17 Respondent.

Board Case No. 1D 2011 70281

OAH Case No.

ACCUSATION

18
19 Complainant alleges:

20 **PARTIES**

21 1. Jason Kaiser (Complainant) brings this Accusation solely in his official capacity as
22 the Interim Executive Officer of the Physical Therapy Board of California, Department of
23 Consumer Affairs.

24 2. On or about August 2, 1990, the Physical Therapy Board of California issued
25 Physical Therapist Assistant License Number AT 2253 to Karen Larsen (Respondent). The
26 Physical Therapist Assistant License was in full force and effect at all times relevant to the
27 charges brought herein and will expire on March 31, 2014, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2660 of the Code states:

"The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

". . . .

"(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a physical therapist or physical therapist assistant. The record of conviction or a certified copy thereof shall be conclusive evidence of that conviction.

". . . .

"(h) Conviction of a violation of any of the provisions of [the Physical Therapy Practice Act] or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of [the Physical Therapy Practice Act] or of the Medical Practice Act.

". . . ."

5. Section 2661 of the Code provides that "a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which substantially relates to the qualifications, functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this article."

6. Section 2234 of the Code provides, in pertinent part, that unprofessional conduct under the Medical Practice Act includes, but is not limited to, "(a) Violating or attempting to violate, directly, or assisting in or abetting the violation of, or conspiring to violate, any provision of [the Medical Practice Act]"

1 7. Section 2239(a) of the Code, a provision of the Medical Practice Act, provides that
2 “more than one misdemeanor or any felony involving the use, consumption, or self-
3 administration of [dangerous drugs or alcohol] constitutes unprofessional conduct. The record of
4 the conviction is conclusive evidence of such unprofessional conduct.” Section 2239(b) provides
5 that “a conviction following a plea of nolo contendere is deemed to be a conviction within the
6 meaning of this section.”

7 8. Section 2661.5 of the Code states:

8 “(a) In any order issued in resolution of a disciplinary proceeding before the board, the
9 board may request the administrative law judge to direct any licensee found guilty of
10 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of
11 the investigation and prosecution of the case.

12 “(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in
13 any event be increased by the board. When the board does not adopt a proposed decision and
14 remands the case to an administrative law judge, the administrative law judge shall not increase
15 the amount of the assessed costs specified in the proposed decision.

16 “(c) When the payment directed in an order for payment of costs is not made by the
17 licensee, the board may enforce the order of payment by bringing an action in any appropriate
18 court. This right of enforcement shall be in addition to any other rights the board may have as to
19 any licensee directed to pay costs.

20 “(d) In any judicial action for the recovery of costs, proof of the board's decision shall be
21 conclusive proof of the validity of the order of payment and the terms for payment.

22 “(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the
23 license or approval of any person who has failed to pay all of the costs ordered under this section.

24 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
25 reinstate for a maximum of one year the license or approval of any person who demonstrates
26 financial hardship and who enters into a formal agreement with the board to reimburse the board
27 within that one year period for those unpaid costs.
28

1 “(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund
2 as a reimbursement in either the fiscal year in which the costs are actually recovered or the
3 previous fiscal year, as the board may direct.”

4 **CAUSE FOR DISCIPLINE**

5 (Conviction of a Crime Substantially Related to Practice
6 of Physical Therapy, More Than One Misdemeanor Conviction
7 Involving Use of Drugs and/or Alcohol)

8 9. Respondent is subject to disciplinary action under Business and Professions Code
9 sections 2234 and 2660 for unprofessional conduct pursuant to section 2660(h) (violating
10 provisions of the Physical Therapy Practice Act and/or the Medical Practice Act), section 2234(a)
11 (violating provisions of the Medical Practice Act), section 2239(a) (more than one misdemeanor
12 involving use of drugs and/or alcohol), and 2660(d) (conviction of crime substantially related to
13 practice of physical therapy) in that she was convicted in 2011 of violating Vehicle Code section
14 23152(b), a misdemeanor, for driving with a blood alcohol level of 0.08% or higher and was
15 convicted in 2012 of violating Vehicle Code section 23103/23103.5, a misdemeanor, for alcohol
16 related reckless driving. The circumstances are as follows:

17 10. On April 16, 2011, Respondent was arrested by an officer of the San Ramon Police
18 Department for a violation of Vehicle Code section 23152(a) (driving under the influence of
19 drugs or alcohol), a misdemeanor.

20 11. On July 25, 2011, complaint number 154660-5 (DA No. C 11 005783-6) was filed
21 against Respondent in the Contra Costa County Superior Court based on her April 16, 2011
22 arrest. She was charged with one count of violating Vehicle Code section 23152, subdivision (a),
23 (driving under the influence of alcohol or drugs) with a special allegation that her blood alcohol
24 level was over 0.15%, and one count of violating Vehicle Code section 23152, subdivision (b),
25 (driving with a blood alcohol level of 0.08% or above) with a special allegation that her blood
26 alcohol level was over 0.15%. Respondent's blood alcohol level had been measured at 0.15%.

27 12. On November 1, 2011, the first count of complaint number 1546650-5 (DA No. C 11
28 005783-6) was dismissed and Respondent was convicted of a violation of Vehicle Code section
23152(b), a misdemeanor. Respondent was sentenced to three years of probation, 2 days in a

1 work alternative program, and, among other things, was fined \$1916.00 and required to enroll in a
2 6 month Alcohol Program.

3 13. On December 4, 2011, Respondent was arrested by an officer of the Concord Police
4 Department for a violation of Vehicle Code section 23152(a) (driving under the influence of
5 drugs or alcohol), a misdemeanor.

6 14. On May 18, 2012, complaint number 158147-9 (DA No. C 12 000399-6) was filed
7 against Respondent in the Contra Costa County Superior Court based on the December 4, 2011
8 arrest. She was charged with one count of violating Vehicle Code section 23152, subdivision (a),
9 (driving under the influence of alcohol or drugs) with a prior conviction of violating Vehicle
10 Code section 23152, subdivision (b), and one count of violating Vehicle Code section 14601.5
11 (driving with knowledge of suspension, revocation, or restriction of driving privilege).

12 15. On August 14, 2012, the first and second count of complaint number 158147-9 (DA
13 No. C 12 000399-6) were dismissed and a third count was added of violating Vehicle Code
14 section 23103/23103.5 (drug or alcohol related reckless driving), a misdemeanor, to which
15 Respondent pled no contest. Respondent was sentenced to two years of court probation, was
16 fined \$1040.00, and was required to enroll in an Alcohol Program.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing the Physical Therapy Board of California issue a decision:

20 1. Revoking or suspending Physical Therapist Assistant License Number AT 2253,
21 issued to Karen Larsen;

22 3. Ordering Karen Larsen to pay the Physical Therapy Board of California the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 2661.5; and

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1 4. Taking such other and further action as deemed necessary and proper.

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3
4 DATED: February 22, 2013


JASON KAISER
Interim Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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